

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
ACR Electronics, Inc.)	WT Docket No. 15-85
)	
Request for Waiver of Section 95.1402(b))	

ORDER

Adopted: December 8, 2015**Released: December 8, 2015**

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* On March 5, 2015, ACR Electronics, Inc. (ACR), filed a request for waiver of Section 95.1402(b) of the Commission's Rules¹ to permit equipment authorization and use of its 2-Way Communicator Personal Locator Beacon (SARLink), an emergency alerting device that is intended to provide a means for individuals in remote areas to alert others of an emergency situation and to aid search and rescue (SAR) personnel to locate those in distress.² As discussed below, we grant the waiver request subject to the conditions set forth herein.

2. *Background.* The SARLink provides two-way text messaging and tracking capability through the Iridium satellite system, and distress alerting on the 406-406.1 MHz (406 MHz) COSPAS-SARSAT satellite system.³ In its waiver request, ACR characterizes the device as a Personal Locator Beacon (PLB).⁴ PLBs are emergency radiobeacons intended for use by individuals in remote areas, which transmit a distress signal on 406 MHz for communication with the COSPAS-SARSAT satellite system and a lower-powered signal on frequency 121.5 MHz that is used by SAR personnel as a homing beacon to help locate persons in distress. PLBs must conform to the Radio Technical Commission for Maritime Services (RTCM) standard that contains minimum requirements for PLBs' functional and technical performance.⁵

¹ 47 C.F.R. § 95.1402(b).

² Request for Waiver, filed March 5, 2015, by ACR Electronics, Inc. (Request).

³ COSPAS-SARSAT is an international satellite-based SAR system established by Canada, France, Russia, and the United States. COSPAS is an acronym for a Russian phrase meaning space system for search and distress vessels; SARSAT stands for Search and Rescue Satellite Aided Tracking.

⁴ See Request at 1.

⁵ Section 95.1402 requires PLBs to meet the requirements in RTCM Recommended Standards for 406 MHz Satellite Personal Locator Beacons (PLBs), Version 1.1, RTCM Paper 76-2002/SC110-STD, dated June 19, 2002, but RTCM has revised the standard and the Commission has proposed to amend the rule to require PLBs to meet the requirements in RTCM Standard 11010.2 for 406 MHz Satellite Personal Locator Beacons, with Amendment 1 and Amendment 2, dated June 8, 2012 (RTCM 11010.2). See Amendment of the Commission's Rules Regarding Maritime Radio Equipment and Related Matters, *Notice of Proposed Rulemaking*, WT Docket No. 14-36, 29 FCC Red 2516, 2521 ¶ 13 (2014). ACR states that the SARLink complies with the RTCM 11010.2 standard.

3. ACR requests a waiver of Section 95.1402(b) because the SARLink does not include a 121.5 MHz beacon. ACR asserts that two-way text messaging capability will provide better distress alerting and locating assistance than a 121.5 MHz homing beacon because SARLink users will be able to text SAR personnel directly and provide location such as physical landmarks and obstacles, and provide important details regarding the emergency, such as the number of people involved and the number and nature of any injuries.⁶ ACR argues that certification and use of the SARLink will save lives and reduce the cost of rescues, and is therefore in the public interest.⁷

4. The U.S. Coast Guard and the U.S. SARSAT Program (USCG/SARSAT) submitted joint comments expressing concerns about the waiver request.⁸ They state that the lack of a 121.5 MHz homing signal is only mitigated by the text messaging and continuous tracking capability of the Iridium device, and therefore does not increase risk to the safety of the user, when users are highly trained and the distress text messages are routed to a command center with full-time staffing.⁹ Consequently, USCG/SARSAT request that the SARLink be approved for use only by government (Federal, State, or local) agencies and high-risk commercial industry entities where potential users are certified and highly trained with an organized support activity or call center to manage and respond to distress calls.¹⁰

5. In response, ACR explained that the SARLink was developed in conjunction with Federal agencies and high-risk industry representatives to meet the requirements of the performance of their duties, in which case SARLink users would be highly trained and text messages would be routed to a center with full-time staffing.¹¹ The regular day-to-day use of the device consists of tracking and messaging via the Iridium satellite system, which are predicated on the use of an enterprise back-end platform that is managed through a command and control center.¹² The SARLink adds a 406 MHz COSPAS-SARSAT distress beacon to these functions for use in emergencies.¹³

6. ACR concurs with USCG/SARSAT that sale and use of the SARLink should be limited to government (Federal, State, or local) agencies and high-risk industry entities where potential users are properly trained and where there is an organized support activity or call center to manage and respond to calls, but requests that non-governmental organizations (NGOs) be included among the permitted users.¹⁴ In addition, to ensure that users realize that the device lacks a 121.5 MHz homing beacon, ACR offers to label the device with, and include in the packaging and manual, a notice that the device does not include a

⁶ See Request at 2-3.

⁷ *Id.* at 2.

⁸ See Comments of the United States Coast Guard and the United States SARSAT Program, received August 18, 2015 (USCG/SARSAT Comments). The Wireless Telecommunications Bureau's Mobility Division sought comment on the ACR waiver request. See Wireless Telecommunication Bureau Seeks Comment on ACR Electronics, Inc. Request for Waiver to Permit Certification and Use of Personal Locator Beacon with Texting Capability in Lieu of 121.5 MHz Homing Signal, *Public Notice*, WT Docket No. 15-85, 30 FCC Rcd 2924 (WTB MD 2015). USCG/SARSAT filed the only comments. ACR filed reply comments. See ACR Electronics, Inc. Reply to Comments dated August 19, 2015 (ACR Reply Comments); and Reply to Comments dated October 16, 2015 (ACR Supplemental Reply Comments).

⁹ See USCG/SARSAT Comments at 1-2.

¹⁰ *Id.* at 3.

¹¹ See ACR Reply Comments at 1-2; ACR Supplemental Reply Comments at 2.

¹² See ACR Supplemental Reply Comments at 2.

¹³ *Id.*

¹⁴ See ACR Reply Comments at 2-3; ACR Supplemental Reply Comments at 2.

121.5 MHz homing beacon.¹⁵ ACR also agrees not to market or otherwise offer the SARLink as a PLB,¹⁶ and that it will not sell it via any retail outlets.¹⁷

7. *Discussion.* Section 1.925 of the Commission's Rules provides that we may grant a waiver if it is shown that (a) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and grant of the requested waiver would be in the public interest; or (b) in light of unique or unusual circumstances, application of the rule(s) would be inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.¹⁸ We conclude that ACR has met the first prong.

8. The 121.5 MHz homing beacon is intended to help locate persons in distress. While the SARLink does not include the homing beacon, the global communications capabilities of the Iridium transceiver in the SARLink will allow SAR personnel to receive location information, including physical landmarks and obstacles directly, from the user. In addition, the SARLink will be sold directly by ACR to government agencies and high-risk entities, and will not be sold to the general public via retail outlets. Finally, all users will be required to have a trained organized support activity or call center. We believe that these circumstances render the device a safe and reliable alternative to a PLB.

9. We therefore grant the requested waiver to permit use of the SARLink, subject to the following conditions:

- Eligibility is limited to government (Federal, State and local) agencies and high-risk commercial industry (including NGOs) where potential users are certified and trained, and with an organized support activity or call center to manage and respond to messages. Any offer for sale or lease of the SARLink will state these eligibility limits.
- The SARLink will be labeled with a notice that the device does not include a 121.5 MHz homing beacon. Such a notice also will be included in the packaging and manual.
- The SARLink will not be marketed or otherwise offered as a Personal Locator Beacon or PLB, and will not be sold via retail outlets.

10. ACR must obtain equipment authorization for the SARLink. A copy of this *Order* shall be submitted with the equipment authorization application.

11. *Conclusion.* We therefore grant the request of ACR Electronics, Inc. for waiver of Section 95.1402(b) to permit the equipment authorization and use of its SARLink device, subject to the conditions set forth above.

12. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(i) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(i), and Section 1.925 of the Commission's Rules, 47 C.F.R. § 1.925, that the waiver request filed by ACR Electronics, Inc. on March 5, 2015 IS GRANTED SUBJECT TO THE CONDITIONS set forth in paragraph 9.

¹⁵ See ACR Reply Comments at 2.

¹⁶ *Id.*

¹⁷ See ACR Supplemental Reply Comments at 2.

¹⁸ 47 C.F.R. § 1.925(b)(3); see also *WAIT Radio v FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

13. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
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